

5/21/70

Dear John,

Were this May 1965, I'd be much encouraged by your letter of the 19th. But, having been down that very road so many times, I think not of all the beautiful castles at the end of so many but the emptiness in which thus far this one dead ends. Suddenly another one is open. A friend spoke to a friend who is a partner in a new, small publishing house, Outerbridge and Bernstein. David Outerbridge, who had to be in Washington Monday, drove up here, spent the afternoon, had supper with us, and we talked of many things including what I want, what I am willing to do, what I hope - and why. He left with the last complete copy I have on hand. I'm getting more. I started to tell him about you and, as so often happens when one rambles on so diffuse a subject, we got off it and never got back. They also seem interested.

In the event you are consulted, and big people usually prefer not to, having learned through the till to trust their own judgements and experience, there are some things of which I remind you, so they'll be in your mind if you have the chance, and others of which I tell, for the same reason.

To pontificate a bit, you know the promotions I have pulled, what their impact has been etc. You also know, I believe, that in all of that extensive work there was no single stunt, nothing but the honest exploitation of genuine news, solid fact, and no conscience error, exaggeration or trick. I also learned this gets through, for people have learned to be suspicious. It is inconsistent with all the standards and precepts of a very important craft, public relations, but it also, for me and this subject, works like shadiness does not and cannot. So, this work will carry itself in p.r. as nothing else can and, if I seem not too without humility, few people can for few have had my experiences and all listen to the expert flacks (I mean it, they are, but they lack experience on this subject), do the cheap, sell some books, but do not really reach the potential. There are exceptions, depending on the kind of book. I rather imagine the p.r. on Green Felt Jungle could have been pretty solid, for example.

It happens that what I have done and what I plan to do make the best possible p.r. for this book. The suit, as yet unpublicized, is a major breakthrough. While not a precedent in being the first successful one under the new law, is it one of few and if there is another case in which the government waited to blink until eyeball time, I'm not aware of it. If it is not the first where Justice chickened out, I think it is. Now, this suit has established a basis for a trial for Ray over and above the basis in the book, the basis already used in the new suit. The Times clip doesn't go into it, but I believe most of that pleading and all that is like a rock is mine. I told you how, on less than 24-hours notice, I prepared it. Bud's Apeco is useless because Apeco is on strike, so I've not read the papers themselves.

The government is unusually accomodating, refusing to be honest when it pays them to be. They are also cheap and petty, which is perfect. I was in DC yesterday for a neurological exam (normal) and didn't call DJ to ask when they'll have the copies ready. Actually, this would have taken no more than 10-15 minutes and could have been done while I waited. Meanwhile, they are so terrified of such a case (put it in the Nixon-Agnew-Mitchell-Kleinienst context and add their detestation of the law, and you can see why they are hung up, especially as they are

accustomed to the uninhibited exercise of raw power. Before I was even in possession of the letter promising access to this material, they had actually gone to court with two motions, asking that the case be declared moot on their promise to give me what I sought. That's pretty far out. My logical, that this is even

unfit for the birds, turns out to be the law on investigation, so we've made the proper motion. In the face of this, they pull debsinf tricks to keep me away. When I go there and camp and get what I want and I give them a list, they tehn demean themselves by not delivering. I think if we do not get this in a few days my lawyer will move (at least I'll ask him to) for an immediate trial, specifying the record of further delay. The law, in this case, requires promptness. However, the delay costs me nothing, for, says he throwing an arm out of joint patting his back, it adds nothing to the book. There are but two things I learned from examination of the file. One was not in it, the other was the real message of a clear picture (not vital) I'd never seen before except reproduced. One other thing: the file I saw is exactly that one sequestered from the British court. I suppose by now they've been smart enough to re lace it with a xerox. So, I enjoy the luxury of having eaten the cake I wanted and the government forcing a new one on me. 'Ho'd a thunk it a' Kleindienst? How marvelously named!

My reaction should not surprise you. I set down and filed the last preliminary papers on five (count them diary-before your time) new suits and I can swing with a sixth any time I want. I've got them dead to rights on all of these, but there remains the question of an influenced judge.

Meanwhile, Bud and Stoner disagree on tactics in Tennessee and Bud has won. He is silent and patient. This is a new law and the court should be given a full opportunity to study the unassailable fact slowly and carefully, to the point where it wonders what happens to it if all these things are true and it rules against, only to have it all come out in public.

And, I've planned the next step, with Bud's assent, you see, not being a lawyer and all this being my material, I am not bound by his inhibiting needs. My only problem will be a few bucks. If the court nixes, I will seek to file a brief amicus curiae, and I'll say (and it'll be true) that among the interests I seek are many besides justice for Ray, which means for all Americans. I'll plead for the national honor, that of Tennessee and the sanctity of the judicial process. This is the kind of thing that can get a press, and with a book to back it up, with the evidence to show and cite from the book, it could do things. My brief inquiries of today's working press is all this way. What a think that would be! This is something I had in mind and discussed with Bud when there was no demonstrated or expressed interest in the book. Thus, it was not designed to seel the book. But, if it were then available, would it! Meanwhile the publisher could use a little intellectual judo and ask for fairness-doctrine time to follow every one of "Hue's" appearances selling his toilet's overflow, which I'll share, with a few hunks of him hanging too, believe me. I've tangled with tougher. And tired as I am, you know about that adrenalin factory.

In short, if that book could come out now, with the word that it is being edited, but the importance requires its immediate availability in the less attractive form, it could sell more than enough to justify it and would it lay a waiting sales line for the commercial one. Do I have to tell you what I did for Dill, which placed but a single add, just this way?

There remains the possibility of significant media attention to the suit. There would have been something on CBS a week ago tonight, but I'd promised a break to a friend on the Wash Post and he was sick. That may have blown it, for the top brass may have had a chance to hear and doubt. But it cannot be set on forever, and I think there will be some stories soon.

Meanwhile, there is an organization somehow connected with the Missouri School of Journalism that has gotten interested in this Freedom of Information suit. I met with their guy yesterday. We'll see.

Nobody tumbled to it but me, but it has been checked and I'm correct. The crookedness of Justice, forcing me to anticipate the kind of dirtiness Kleindienst had in mind, was perfect. I decided to close the possibility of a gap if the documents remained at State. The law required them to be at Justice. This is the originals. Both, although neither says so and I have no present interest in needling, had copies. So, writing State put them on the spot, because they do have copies. Therefore, to extricate themselves, they threw me just the bone I wanted. Being a nice doggie I haven't barked at them since, and will not. That bone is airtight proof we now have a perfect case under the Jencks decision. If you will reread the Lyster letter, you will find it says that Ray also asked for these papers and was denied them. That is enough. But how much more we have. Mitchell ruled the decision so without from me, pretended as being the identical reason given Ray, is not so. Thus, seeking to avoid acknowledging that I had sued him and he knew I'd whip him in court, and especially not wanting to acknowledge they are being forced under a law they want forgotten, he said this file need not have been withheld for that reason. But Justice had ruled, with Ray, that it had to be for the identical reason. So, aside from Jencks, this is fortified Jencks, because it was nonly deliberate but it was also wrong. Now the AG himself, little realizing what he is doing, so wrote me.

There just couldn't be a better setup for a book.

And, there's more to come. Enormous legal scandals, all with proof in hand, including fraud by Foreman, reversible impropriety by the judge, etc. I now have much more and much worse than is in the book-and it is all in official transcripts, so it is also immune to even nuisance suits.

I could make this book a best-seller in Tennessee in three days, one for each part of the State. If the book was on sale and I could get there. You also know how I do it: put the proof on the tube.

So, let us hope the present climate makes men of those who once were and quit.

However, if I do not hear from you by phone Tuesday night, I'll assume there is nothing. Or did you mean the executives return Tuesday? Let me know in case I hear from these others, for if there is no deal at Trident, I'll choose with these people, if they want it. I have the feeling they do byt my terms may worry them. The out-of-the-ordinary is not welcome in publishing.

Thanks, best to Spitzer, and let's hope.

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